

FILED

UNITED STATES COURT OF APPEALS

MAY 09 2008

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

DAVID J. LEE; et al.,

Plaintiffs - Appellants,

v.

AMERICAN EXPRESS TRAVEL  
RELATED SERVICES, INC., a New  
York corporation; et al.,

Defendants - Appellees.

No. 08-15015

D.C. No. CV-07-04765-CRB  
Northern District of California,  
San Francisco

ORDER

DAVID J. LEE, on behalf of others  
similarly situated,

Plaintiff - Appellant,

v.

CAPITAL ONE BANK, a Virginia  
corporation; et al.,

Defendants - Appellees.

No. 08-15858

D.C. No. 3:07-CV-04599-MHP  
Northern District of California,  
San Francisco

ORDER

DAVID J. LEE; et al.,

Plaintiffs - Appellants,

v.

CHASE MANHATTAN BANK USA,  
N.A., a Delaware corporation CHASE

No. 08-15926

D.C. No. 3:07-CV-04732-MJJ  
Northern District of California,  
San Francisco

ORDER

MANHATTAN BANK USA, N.A., DBA  
Chase Bank USA, N.A. JPMORGAN  
CHASE & CO., a Delaware corporation,

Defendants - Appellees.

Before: Peter L. Shaw, Appellate Commissioner

The appellants' motion to consolidate Nos. 08-15015, 08-15858, and 08-15926 is denied. However, these appeals shall be calendared before the same panel.

The current briefing schedules in Nos. 08-15858 and 08-15926 shall remain in effect.

The first extension for No. 08-15015 was granted pursuant to Ninth Circuit Rule 31-2.2(a), which provides for a one-time telephonic extension of no more than 14 days. This court expends substantial resources in monitoring such telephone requests as an accommodation to the bar, with the expectation that the court will not be further burdened by additional written requests for a stay of the briefing schedule. The rule itself specifies that extraordinary circumstances must occur to justify a stay of the briefing schedule. Here, counsel has not advanced extraordinary circumstances in support of the current request to stay the briefing schedule.

Nonetheless, in the interest of justice, the motion is granted. The court does, however, expect counsel to request telephonic extensions only when counsel anticipates that the brief will in fact be filed within 14 days.

The briefing schedule in No. 08-15015 is amended as follows: the opening brief is now due June 9, 2008; the answering brief is due July 9, 2008; and the optional reply brief is due 14 days after service of the answering brief.